[RO] Modifications of the Audiovisual Act

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The Audiovisual Act No. 504/2002 with further modifications and completions (Legea Audiovizualului nr. 504/2002 cu modificările şi completările ulterioare) was modified by two different draft laws, which have been adopted by the Romanian Parliament (see IRIS 2010-1/36, IRIS 2011-4/31, IRIS 2011-7/37, IRIS 2013-3/26, IRIS 2013-6/27, IRIS 2014-1/37, IRIS 2014-2/31 and IRIS 2014-7/29).

Act No. 95/2014 on the modification of Article 86 of the Audiovisual Act No. 504/2002 (Legea nr. 95/2014 pentru modificarea art. 86 din Legea audiovizualului nr. 504/2002) was published in the Official Journal of Romania (No. 500, Part I) on 4 July 2014.

The modified Article 86 transposes the Audiovisual Media Service Directive 2010/13/EU into the legal system of Romania and ensures the free access of broadcasters to events of high public interest. According to the newly revised Article 86 (1), any broadcaster under the jurisdiction of Romania or another EU member state has the right to free access on a fair, reasonable, and non-discriminatory basis to events of high interest to the public, which are exclusively transmitted by a broadcaster under Romanian jurisdiction. In compliance with Article 85, which includes provisions about short reports and short extracts, any broadcaster may create short news items about these events. For broadcasters under the jurisdiction of the same EU member state as the broadcaster that has obtained exclusive rights to the event, Article 86 (2) stipulates that the access intended for the production of short news items has to be provided to the respective broadcaster.

Act No. 103/2014 on the completion of the Audiovisual Act No. 504/2002 (Legea 103/2014 pentru completarea Legii audiovizualului nr. 504/2002), was published in the Official Journal of Romania (No. 518, Part I) on 11 July 2014. It entered into force 90 days after its publication in the Official Journal.

The Act includes provisions on the protection of persons with hearing impairments. A revised Article 42.1 was introduced, according to which the hearing impaired have the right of access to audiovisual media services, depending on the technological possibilities (Article 42.1(1)). According to Art. 42.1(2) a), and in order to ensure the above-mentioned right, TV programmes with national coverage must translate programmes on news, analysis, and debate

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on actual political and/or economic subjects, into sign language and by synchronous subtitles for at least 30 minutes per day. According to Article 42.1(2) b), programmes of major importance as a whole, or as a summary thereof, must be translated into sign language and by synchronous subtitles. According to Article 42.1(2) c) and d), the TV stations have to give a verbal and visual cue that the above-mentioned programmes are suitable for the hearing impaired. According to Article 42.1(3), television stations with local coverage have the same obligations, but they can opt between translation into sign language or the use of synchronous subtitles for the above-mentioned types of programmes. Therefore, they are not obliged to use both techniques simultaneously to protect those with hearing disabilities.

According to the revised version of Art. 90 (1) g), breaches of the provisions of Art. 42.1 will be considered as criminal offences.

Act No. 95/2014 on the modification of Art. 86 of the Audiovisual Act No. 504/2002, Official Journal of Romania (No. 500, Part I) on 4 July 2014

http://lege5.ro/Gratuit/gqydamzxge/legea-nr-95-2014-pentru-modificarea-art-86-din-legea-audiovizualului-nr-504-2002

Act No. 95/2014 on the modification of Art. 86 of the Audiovisual Act No. 504/2002, Official Journal of Romania (No. 500, Part I) on 4 July 2014

Legea 103/2014 pentru completarea Legii audiovizualului nr. 504/2002. Lege nr. 103/2014

http://www.dreptonline.ro/legislatie/legea_103_2014_completarea_legii_audiovizualului_persoane_deficiente_auz.php

Act No. 103/2014 on the completion of the Audiovisual Act No. 504/2002, Official Journal of Romania (No. 518, Part I) on 11 July 2014

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